

1  
2  
3                   IN THE UNITED STATES DISTRICT COURT  
4                   FOR THE DISTRICT OF ARIZONA

5                   IN RE BARD IVC FILTERS  
6                   PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641DGC

7                   **FIRST AMENDED SHORT FORM  
COMPLAINT**

8                   **BOBBIE COX, INDIVIDUALLY and on  
behalf of the Estate of ELIHU COX**

9 Plaintiff(s) named below, for their Complaint against Defendants named below,  
10 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

11 Plaintiff(s) further show the Court as follows:

12         1. Plaintiff/Deceased Party:

13                   Elihu Cox

14         2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
consortium claim:

15                   N/A

16         3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
conservator):

17                   Bobbie Cox; Representative

18         4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
the time of implant:

19                   N/A

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Ohio

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

## Ohio

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Southern District of Ohio

8. Defendants (check Defendants against whom Complaint is made):

X C.R. Bard Inc.

X Bard Peripheral Vascular, Inc.

#### **9. Basis of Jurisdiction:**

X Diversity of Citizenship

Other:

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

---

---

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

#### Recovery® Vena Cava Filter

#### □ G2® Vena Cava Filter

- 1       G2® Express (G2®X) Vena Cava Filter
- 2       Eclipse® Vena Cava Filter
- 3       Meridian® Vena Cava Filter
- 4       Denali® Vena Cava Filter
- 5       Other: \_\_\_\_\_

6      11. Date of Implantation as to each product:

7      June 9, 2011

---

---

9      12. Counts in the Master Complaint brought by Plaintiff(s):

- 10      Count I: Strict Products Liability – Manufacturing Defect
- 11      Count II: Strict Products Liability – Information Defect (Failure to  
12       Warn)
- 13      Count III: Strict Products Liability – Design Defect
- 14      Count IV: Negligence - Design
- 15      Count V: Negligence - Manufacture
- 16      Count VI: Negligence – Failure to Recall/Retrofit
- 17      Count VII: Negligence – Failure to Warn
- 18      Count VIII: Negligent Misrepresentation
- 19      Count IX: Negligence Per Se
- 20      Count X: Breach of Express Warranty
- 21      Count XI: Breach of Implied Warranty
- 22      Count XII: Fraudulent Misrepresentation

## X Count XIII: Fraudulent Concealment

X Count XIV: Violations of Applicable Ohio (insert state)

# Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

Count XV: Loss of Consortium

Count XVI: Wrongful Death

□ Count XVII: Survival

X Punitive Damages

Other(s): \_\_\_\_\_ (please state the facts supporting this Count in the space immediately below)

---

Page 10 of 10

---

www.nature.com/scientificreports/

13. Jury Trial demanded for all issues so triable?

X Yes

□ No

1 RESPECTFULLY SUBMITTED this 11<sup>th</sup> day of May, 2018.

2 TAUTFEST BOND, PLLC

3 By: /s/ Monte Bond

4 Monte Bond  
5 Texas Bar No. 02585625  
6 5151 Belt Line Road  
7 Suite 1000  
8 Dallas, TX 75254  
9 Phone: (214) 617-9980  
10 Fax: (214) 853-4281

11 By: /s/ Jessica Glitz

12 Jessica Glitz  
13 Texas Bar No. 24076095  
14 5151 Belt Line Road  
15 Suite 1000  
16 Dallas, Texas 75254  
17 Phone: (214) 617-9980  
18 Fax: (214) 853-4281

19 **Attorneys for the Plaintiff**

20 I hereby certify that on this 11th day of May, 2018, I electronically transmitted  
21 the attached document to the Clerk's Office using the CM/ECF System for filing and  
22 transmittal of a Notice of Electronic Filing.

23 /s/ Monte Bond

24 /s/ Jessica Glitz